

MDP
10/21/02
DOCKET NO.: ORT-1528

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Timothy W. Lovenberg and Wai-Ping Leung

Serial No.: 09/993,159

Group Art Unit: Not Yet Assigned

Filed: November 5, 2001

Examiner: Not Yet Assigned

For: Histamine Receptor H3 Modified Transgenic Mice

I, Ralph R. Palo, Registration No. 29,486 certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, Attention Licensing and Review.

DATE

10-14-02
Ralph R. Palo

Assistant Commissioner
for Patents
Washington, D.C. 20231

Dear Sir:

RESPONSE TO REQUIREMENT FOR STATEMENT
UNDER §152 OF THE ATOMIC ENERGY ACT

A Requirement for Statement under 42 U.S.C. §2182 (Paper No. 6, copy attached) was issued on 25 September, 2002, in connection with the above-identified patent application.

Though Applicants traverse this requirement, the required statement is attached to this paper.

The requirement is traversed on the ground that the subject matter of the present application is in no way "useful in the production or utilization of special nuclear material or atomic energy." The subject matter of the present application is directed to transgenic mice that do not express the histamine H3 receptor, and cells derived from such mice. Such subject matter

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cannot be said to be "useful in the production or utilization of special nuclear material or atomic energy." Accordingly, the requirement for a statement under 42 U.S.C. §2182 should be withdrawn.

As mentioned, in order to be fully responsive to the Patent Office on this matter, applicants submit herewith a verified statement to address the requirement issued in Paper No. 6.

Applicants submit that the instant application is in condition for examination, and such action is requested.

Respectfully submitted,



Ralph R. Palo
Registration No. 29,486

Date:

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